



US Army Corps  
of Engineers  
Alaska District

# Public Notice of Application for Permit

Regulatory Branch (1145b)  
3437 Airport Way  
Suite 206  
Fairbanks, Alaska 99709-4777

PUBLIC NOTICE DATE: October 17, 2005  
EXPIRATION DATE: November 15, 2005  
REFERENCE NUMBER: POA-2005-1651-4  
WATERWAY NUMBER: Unnamed Slough

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States as described below and shown on the attached plan.

APPLICANT: Badger Investments, 2944-D Richardson Highway, North Pole, Alaska 99705

AGENT: Mr. Ryan Hunt, RCH Surveys LTD, 348 Driveway Street, Fairbanks, Alaska 99701, (907) 451-7411.

LOCATION: 64.7450°N, -147.2615°W. Tax Lot 1320, section 13, Township 2 South, Range 2 East, Fairbanks Meridian, near North Pole, Alaska.

WORK: The applicant proposes to place approximately 1,305 cubic yards of fill into 0.59 acres of waters of the United States, wetlands. Work would be performed according to the attached plans (sheets 1-6, dated October 13, 2005).

PURPOSE: To develop a 16-lot subdivision for residential housing.

ADDITIONAL INFORMATION: The applicant is proposing to develop the roads and base infrastructure of a 16-lot subdivision. The permit would allow up to 0.22 acres of fill in each of two wetland lots per the typical lot diagram, and fill would not be placed on the lots until sold. Additionally there would be road and driveway crossings of a wetland slough channel (identified as "low area" on the attached plans). Two 18" culverts would be placed at the crossings to maintain drainage features. All proposed areas for fill would be mechanically cleared. No other mechanized land clearing is anticipated in the wetland areas of the subdivision.

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until a certification or waiver of certification, as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRS) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. No historic properties were located within one mile of the proposed development. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Engineer at this time. This application is being coordinated with SHPO. Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

ENDANGERED SPECIES: No threatened or endangered species are known to use the project area. Preliminarily, the described activity will not affect threatened or endangered species, or their critical habitat designated as endangered or threatened, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to the Magnuson Stevens Fishery Conservation and Management Act of 1996 (MSFCMA), 16 U.S.C. et seq and associated federal regulations found at 50 CFR 600 Subpart K. The Alaska District includes areas of EFH as Fishery Management Plans. We have reviewed the January 20, 1999, North Pacific Fishery Management Council's Environmental Assessment to locate EFH area as identified by the National Marine Fisheries Service (NMFS). We have determined that the described activity within the proposed area will not adversely affect EFH, including anadromous fish and federally managed fishery resources.

SPECIAL AREA DESIGNATION: None.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to

issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Sharon Seim by email at [Sharon.G.Seim@poa02.usace.army.mil](mailto:Sharon.G.Seim@poa02.usace.army.mil), by phone at (907) 474-2166, or by FAX at (907) 474-2164 if further information is desired concerning this notice.

AUTHORITY: This permit will be issued or denied under the following authority:

(X) Discharge dredged or fill material into waters of the United States - Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

A plan and Notice of Application for State Water Quality Certification are attached to this Public Notice.

District Engineer  
U.S. Army, Corps of Engineers

Attachments

FRANK H. MURKOWSKI, GOVERNOR

# STATE OF ALASKA

OFFICE OF THE GOVERNOR

## DEPT. OF ENVIRONMENTAL CONSERVATION

### DIVISION OF WATER

Non-Point Source Water Pollution Control Program  
401 Certification Program

### NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. **POA 2005 1651 4, Unnamed Slough** serves as application for a short-term variance of State Water Quality Certification from the Department of Environmental Conservation, as provided in Section 401 of the Clean Water Act of 1977 (PL 95-217).

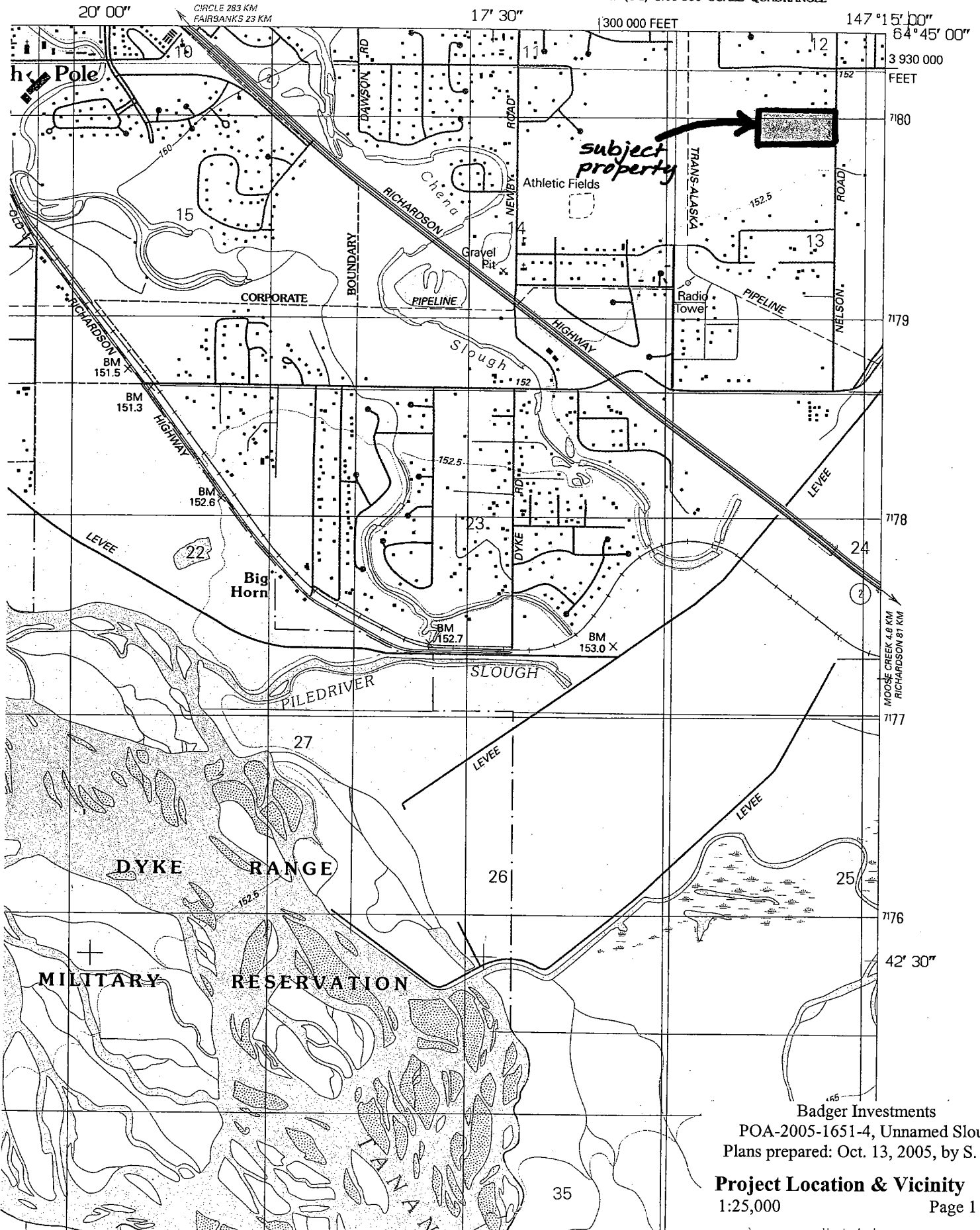
The Department will review the proposed activity to ensure that, except for an allowed, short-term variance, any discharge to waters of the United States resulting from the referenced project will comply with the Clean Water Act of 1977 (PL95-217), the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

**Any person desiring to comment on the project with respect to Water Quality Certification may submit written comments within 30 days of the date of the Corps of Engineer's Public Notice to:**

Department of Environmental Conservation  
WQM/401 Certification  
555 Cordova Street  
Anchorage, Alaska 99501-2617  
Telephone: (907) 269-7564  
FAX: (907) 269-7508

FAIRBANKS (C-1) NW QUADRANGLE  
ALASKA-FAIRBANKS NORTH STAR BOROUGH  
1:25 000-SCALE SERIES (TOPOGRAPHIC)

NW/4 FAIRBANKS (C-1) 1:63 360 SCALE QUADRANGLE



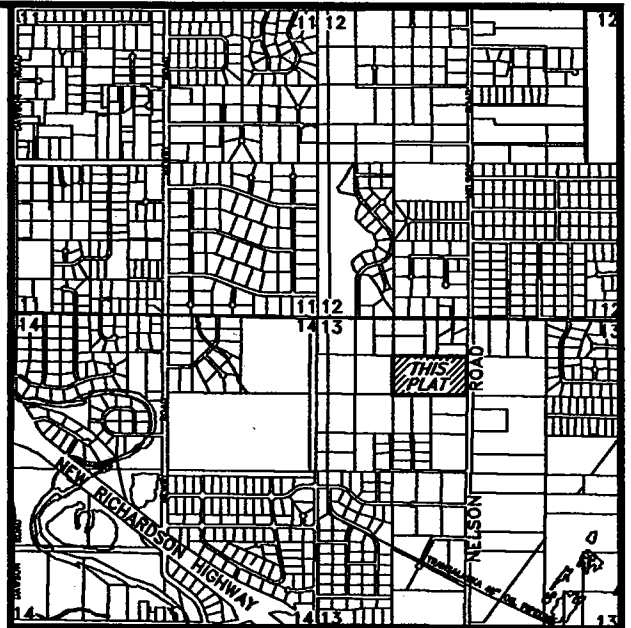
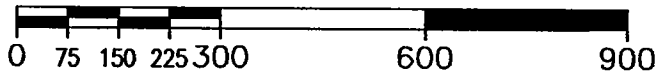
# PLAN VIEW

## BIRCH DELL ESTATES

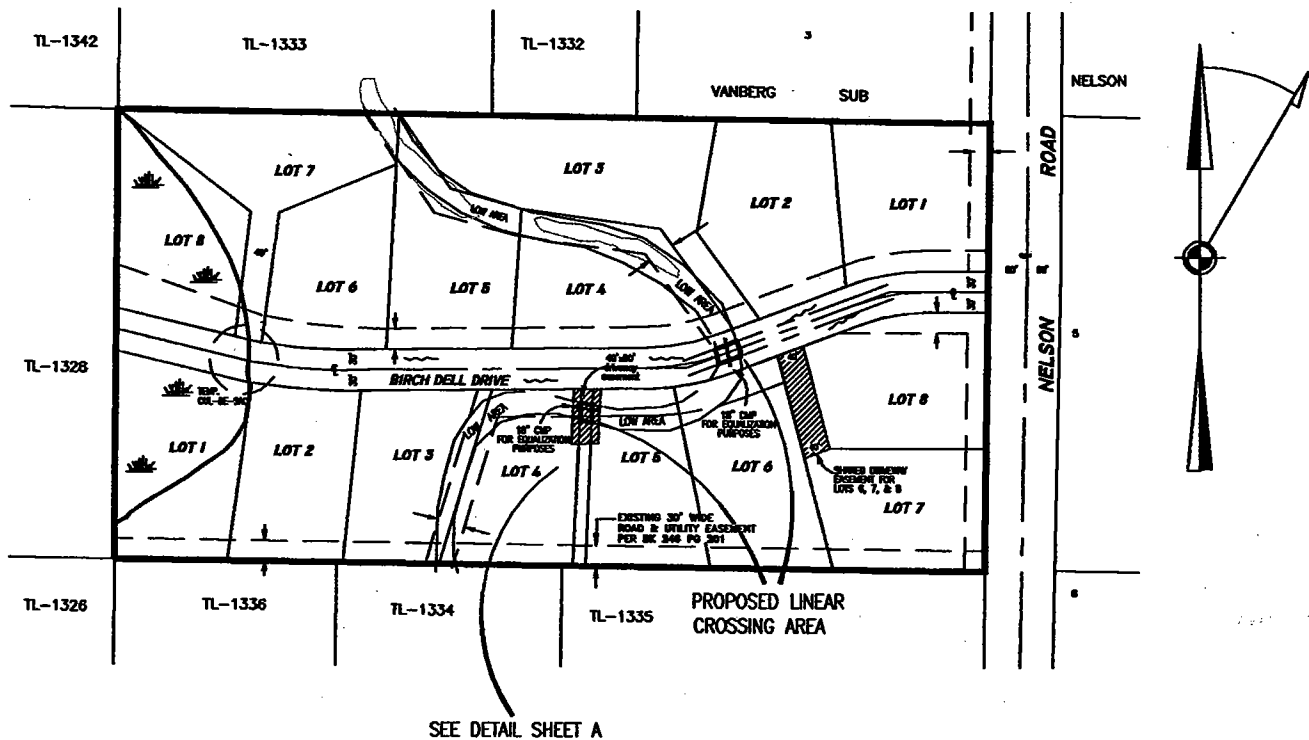
Revised 10/13/2005  
RCH & ASSOC.  
348 DRIVEWAY ST.  
FAIRBANKS, AK 99709  
(907) 451-7411

DRAWN: RCH

SCALE: 1"=300'



FNSB BASEMAP SCALE: 1"=1/4 mile  
VICINITY MAP



SEE DETAIL SHEET A

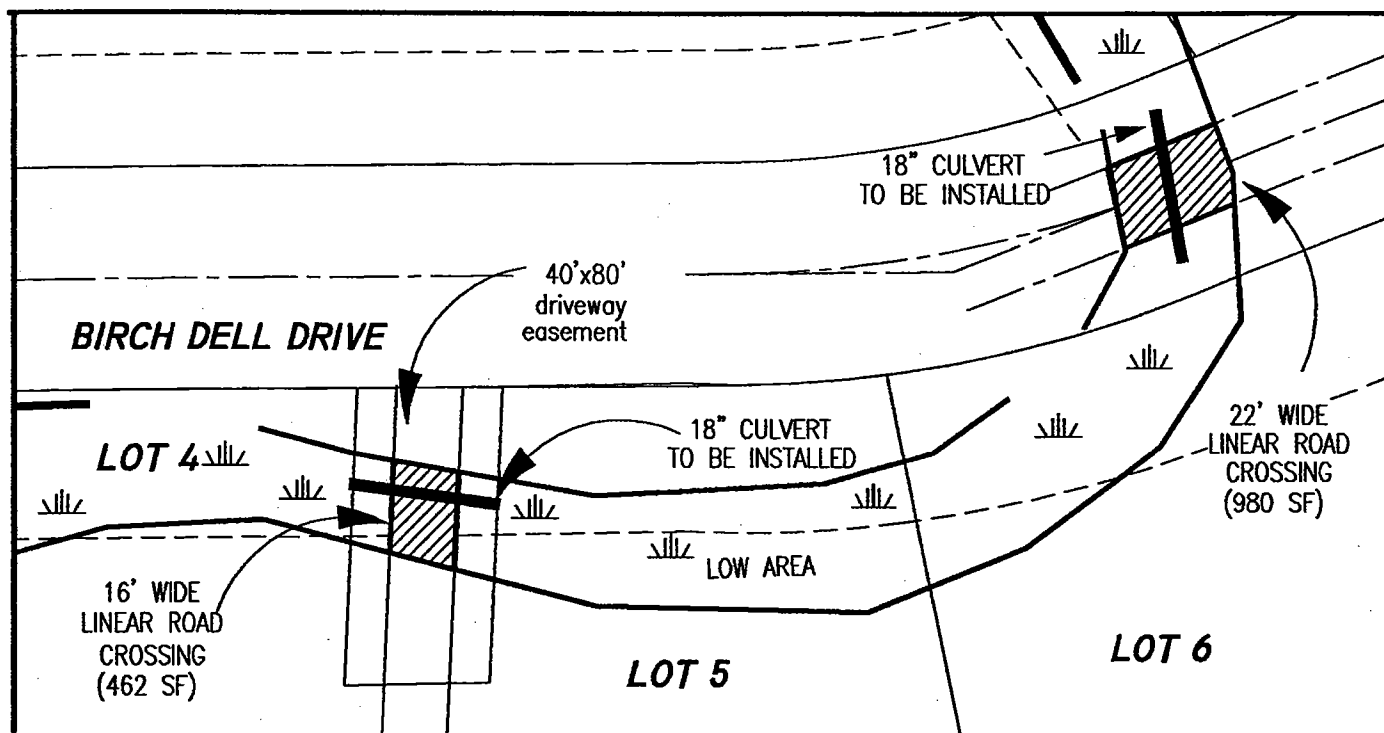
### WETLANDS DATA

TOTAL ROAD LENGTH = 259'  
CULVERTS PLACED = x 2  
WETLANDS IMPACTED = .59 ACRES

Badger Investments  
POA-2005-1651-4, Unnamed Slough  
Plans prepared: Oct. 13, 2005, by S. Seim

### Project Plan

1" = 300 feet



Wetlands area

18" CMP

RCH SURVEYS LTD  
348 DRIVEWAY ST.  
FAIRBANKS, ALASKA  
99709  
(907) 451-7411

## DETAIL 'A' PLAN VIEW

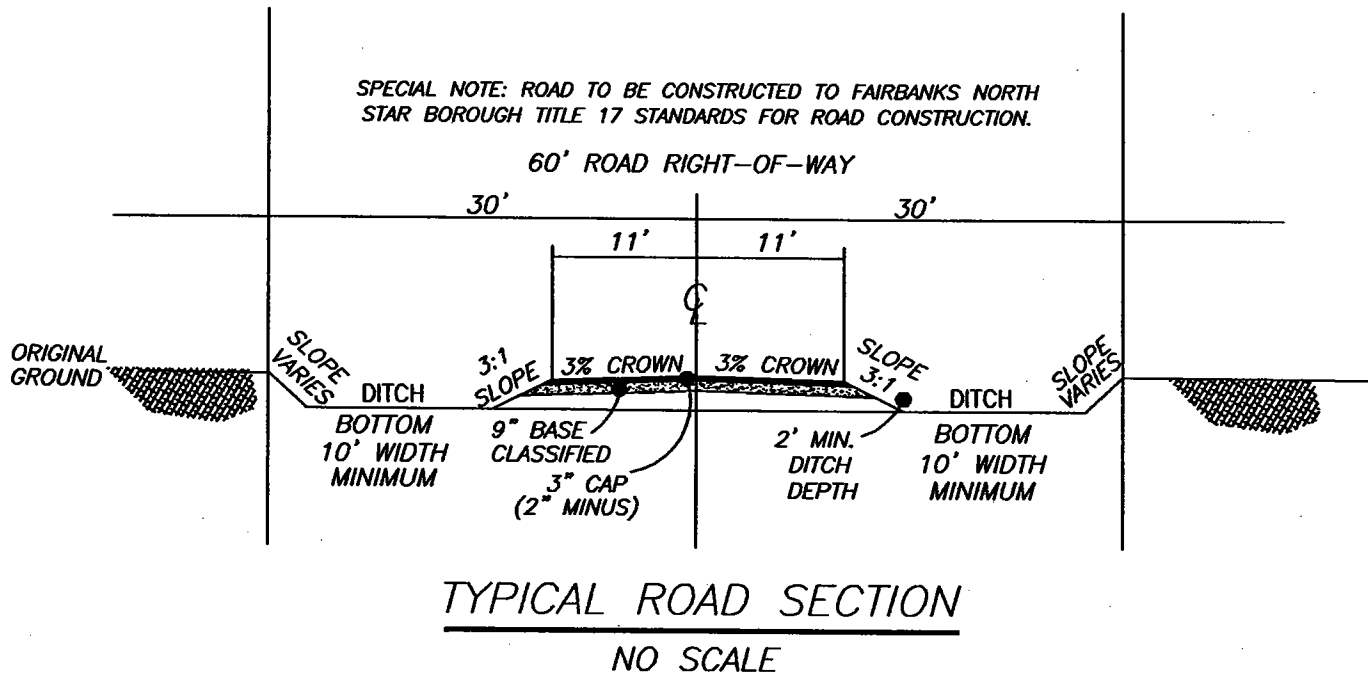
## BIRCH DELL SUBDIVISION

Badger Investments  
POA-2005-1651-4, Unnamed Slough  
Plans prepared: Oct. 13, 2005, by S. Seim

### Slough Crossings Detail

1" ≈ 120 feet

Page 3 of 6



## PLAN VIEW

RCH SURVEYS LTD  
348 DRIVEWAY ST.  
FAIRBANKS, ALASKA  
99709  
(907) 451-7411

TYPICAL  
ROAD LAYOUT FOR  
60' ROAD

BIRCH DELL  
SUBDIVISION

Badger Investments  
POA-2005-1651-4, Unnamed Slough  
Plans prepared: Oct. 13, 2005, by S. Seim

**Typical Road Section**  
NTS

Page 4 of 6



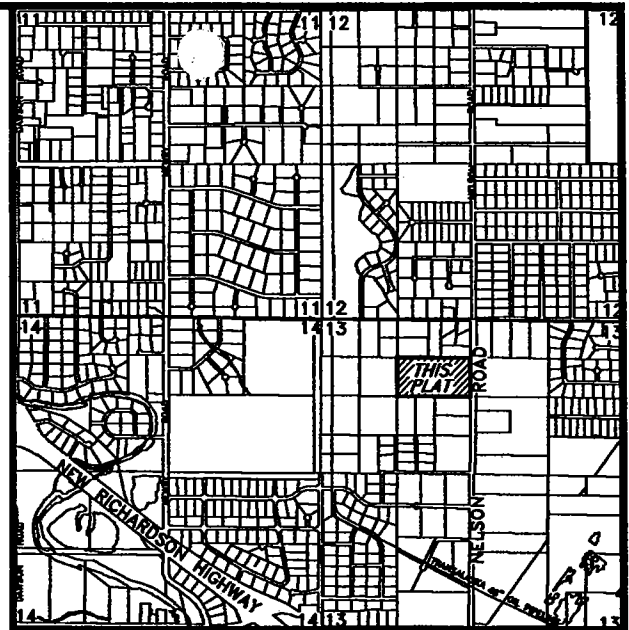
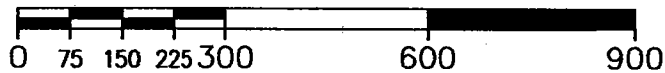
# PLAN VIEW

## BIRCH DELL ESTATES TYPICAL PAD LOCATIONS

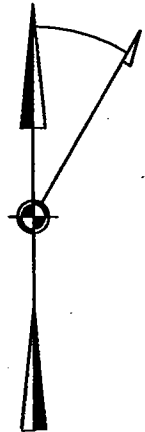
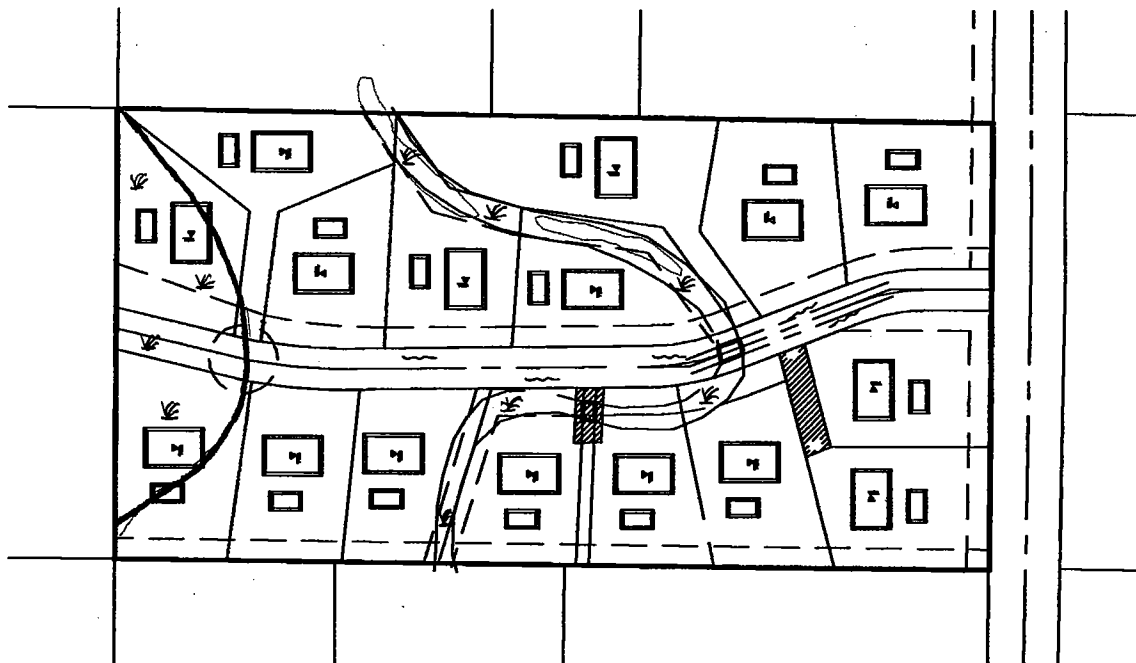
9/20/2005  
RCH & ASSOC.  
348 DRIVEWAY ST.  
FAIRBANKS, AK 99709  
(907) 451-7411

DRAWN: RCH

SCALE: 1"=300'



FNSB BASEMAP SCALE: 1"=1/4 mile  
VICINITY MAP



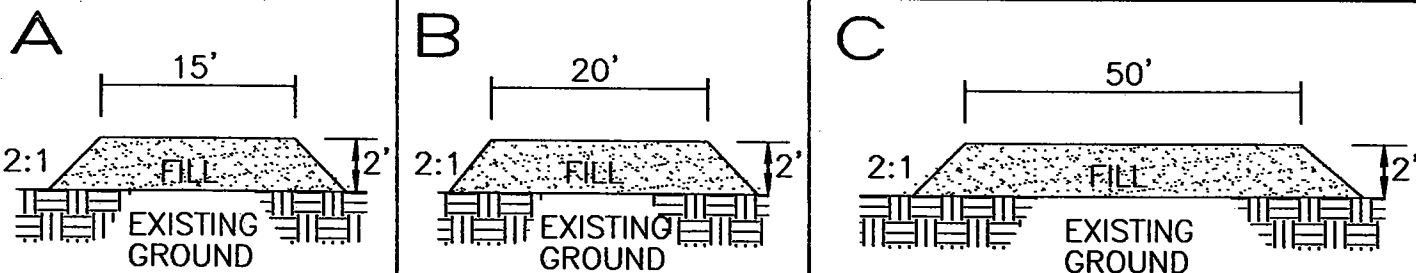
W = wetlands

Badger Investments  
POA-2005-1651-4, Unnamed Slough  
Plans prepared: Oct. 13, 2005, by S. Seim

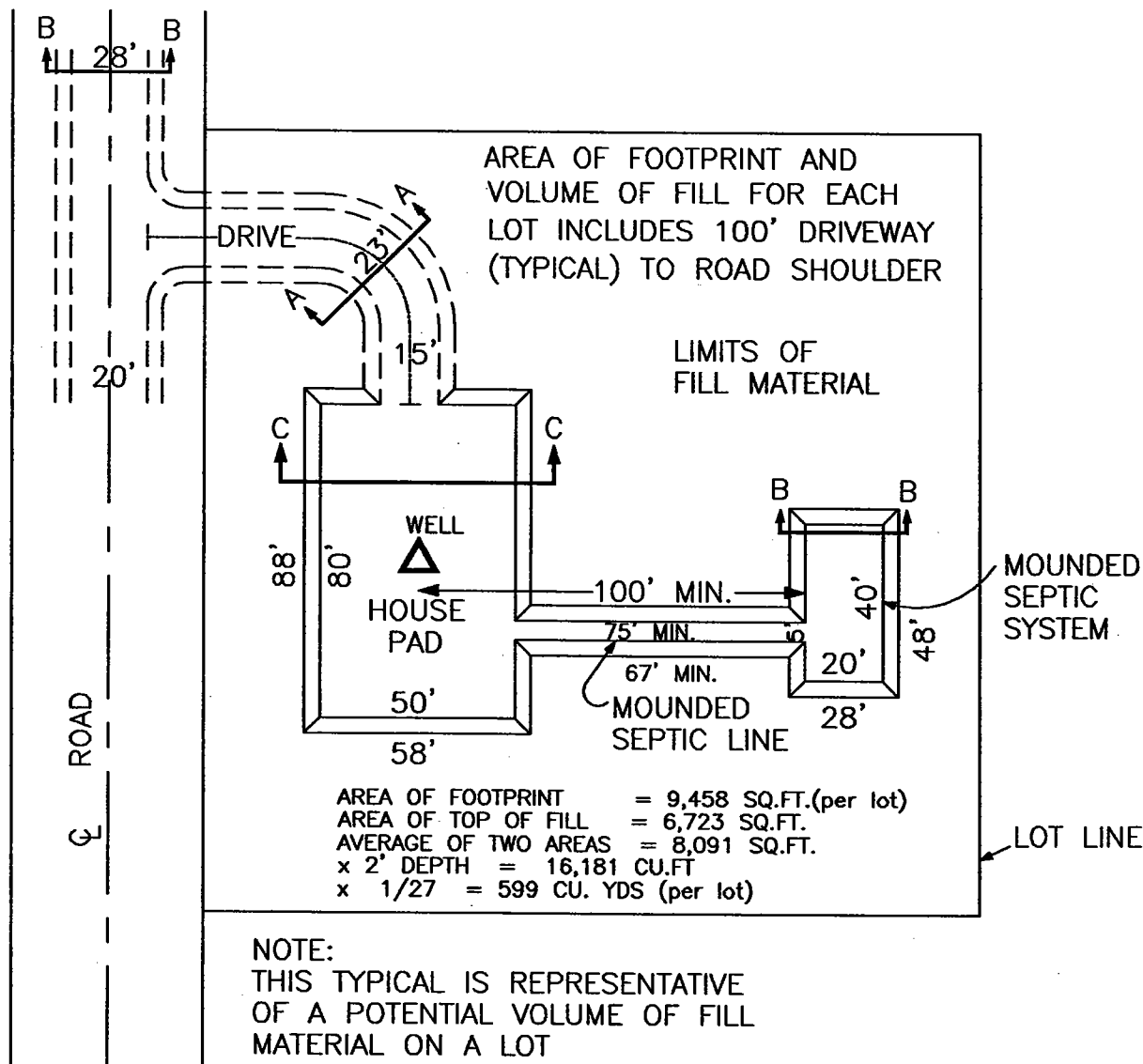
### Pad Locations

1" = 300 feet

Page 5 of 6



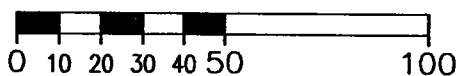
SECTION VIEWS (NO SCALE)



PLAN VIEW

RCH Surveys LTD  
348 DRIVEWAY ST.  
FAIRBANKS, ALASKA  
99701  
(907) 451-7411

TYPICAL LOT  
FILL FOR RESIDENCE  
SCALE: 1"=50'



BIRCH DELL ESTATES

Badger Investments  
POA-2005-1651-4, Unnamed Slough  
Plans prepared: Oct. 13, 2005, by S. Seim

Typical Lot and Sections  
1"=50'

Page 6 of 6